

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES WILLIAMS,

Plaintiff,

v.

PA PHILIPS, DR. REYES, DR. SMITH  
and PA JEN AMBROSE,

Defendants.

4:16-cv-05043-SAB

**ORDER DENYING LEAVE TO  
PROCEED *IN FORMA*  
*PAUPERIS* AND DISMISSING  
ACTION FOR FAILURE TO  
PAY FILING FEE**

By Order filed July 13, 2016, the Court directed Plaintiff James Williams, a prisoner at the Washington State Penitentiary, to show cause why he should not be denied leave to proceed *in forma pauperis*. Plaintiff has filed nothing further in this action.

Plaintiff has not refuted the Court's finding that he is precluded from proceeding without prepayment of the filing fee under 28 U.S.C. § 1915(g), or that he has failed to present any facts to excuse the preclusive effects of this statutory

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DISMISSING ACTION FOR FAILURE TO PAY FILING FEE -- 1**

1 provision. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055-56 (9th Cir. 2007)  
2 (discussing imminent danger exception to three-strikes rule).

3 Therefore, **IT IS ORDERED THAT:**

4 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.

5 2. Although granted the opportunity to do so, Plaintiff did not pay the  
6 \$400.00 fee (\$350.00 filing fee, plus \$50.00 administrative fee) to commence this  
7 action. Therefore, this action is **DISMISSED** for failure to comply with the filing  
8 fee requirements of 28 U.S.C. § 1914.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
10 enter judgment, forward a copy to Plaintiff, and close the file. The Court certifies  
11 any appeal of this dismissal would not be taken in good faith.

12 **DATED** this 17th day of August, 2016.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

19 Stanley A. Bastian  
20 United States District Judge  
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